

**RECEIVED**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

APR 15 2008 *aw*  
APR 15 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

Anthony Willis, N-51386

(Full name and prison number)

(Include name under which convicted)

PETITIONER

vs.

Austin S. Randolph Jr. Warden

(Warden, Superintendent, or authorized  
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment  
attacked imposes a sentence to commence  
in the future)

ATTORNEY GENERAL OF THE STATE OF

Lisa Madigan

(State where judgment entered)

**08CV2144**

**JUDGE MANNING**

**MAG. JUDGE SCHENKIER**

CASE NO. \_\_\_\_\_  
(Supplied by Clerk of this Court) --

Case Number of State Court Conviction:

96-CR-8494-02.

**PETITION FOR WRIT OF HABEAS CORPUS – PERSON IN STATE CUSTODY**

1. Name and location of court where conviction entered: Circuit Court Criminal Division  
2650 S. Califfornia, Ave. Chicago Illinois 60608.

2. Date of judgment of conviction: Jan 7, 1998

3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)  
Possession with intent to deliver ILCS 720/401(a)(2)(A)

4. Sentence(s) imposed: 30 yrs

5. What was your plea? (Check one) (A) Not guilty (X)  
(B) Guilty ( )  
(C) Nolo contendere ( )

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

**PART I - TRIAL AND DIRECT REVIEW**

1. Kind of trial: (Check one): Jury (X) Judge only ( )  
2. Did you testify at trial? YES (X) NO ( )  
3. Did you appeal from the conviction or the sentence imposed? YES (X) NO ( )

(A) If you appealed, give the

- (1) Name of court: Appellate Court of Illinois First Judicial District  
(2) Result: Denied  
(3) Date of ruling: June 23, 2000 Fifth Division  
(4) Issues raised: Denied several issues

(B) If you did not appeal, explain briefly why not:

4. Did you appeal, or seek leave to appeal, to the highest state court? YES (X) NO ( )

(A) If yes, give the

- (1) Result: Denied  
(2) Date of ruling: Nov 29, 2000  
(3) Issues raised: Same several issues raised

(B) If no, why not: \_\_\_\_\_

5. Did you petition the United States Supreme Court for a writ of *certiorari*? Yes ( ) No ( )

If yes, give (A) date of petition: \_\_\_\_\_ (B) date *certiorari* was denied: \_\_\_\_\_

**PART II - COLLATERAL PROCEEDINGS**

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES (X) NO ( )

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

A. Name of court: Criminal Division 2650 S. California, Ave. Chgo IL 60608.

B. Date of filing: Dec. 4, 2000

C. Issues raised: Ineffective assistance of counsel at the Appellate level

D. Did you receive an evidentiary hearing on your petition? YES ( ) NO (X)

E. What was the court's ruling? Denied Jan 26, 2001

F. Date of court's ruling: Jan 26, 2001

G. Did you appeal from the ruling on your petition? YES (X) NO ( )

H. (a) If yes, (1) what was the result? Denied

(2) date of decision: Feb 26, 2002

(b) If no, explain briefly why not: \_\_\_\_\_

- I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES (X) NO ( )

(a) If yes, (1) what was the result? Denied

(2) date of decision: I don't recall

(b) If no, explain briefly why not: \_\_\_\_\_

2. With respect to this conviction or sentence, have you filed a petition in a **state court** using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES ( ) NO (X)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding \_\_\_\_\_
2. Date petition filed \_\_\_\_\_
3. Ruling on the petition \_\_\_\_\_
4. Date of ruling \_\_\_\_\_
5. If you appealed, what was the ruling on appeal? \_\_\_\_\_
6. Date of ruling on appeal \_\_\_\_\_
7. If there was a further appeal, what was the ruling? \_\_\_\_\_
8. Date of ruling on appeal \_\_\_\_\_

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in **federal court**? YES (X) NO ( )

A. If yes, give name of court, case title and case number: Northern District of Illinois

Habeas Corpus, No: 01-C-8745

B. Did the court rule on your petition? If so, state

(1) Ruling: Denied

(2) Date: May 29, 2003

4. With respect to this conviction or sentence, are there legal proceedings pending in any court, other than this petition? YES ( ) NO (X)

If yes, explain: \_\_\_\_\_

**PART III - PETITIONER'S CLAIMS**

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

**BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.**

(A) Ground one Anthony Willis

Supporting facts (tell your story briefly without citing cases or law):

This petitioner's has an pure question of law, does the holding in People v. Whitfield, 217 Ill.2d 177, 298 Ill. Dec. 545, 840 N.E.2d 658 (Ill. 2005) denies those offenders who takes an "Bench or Jury Trial" their Substantive Due-Process Rights when the sentencing court did not impose an term of MSR to their sentence of imprisonment, or when their sentence of imprisonment plus there MSR exceeds there statutory maximum sentence, the offenders who enter Plea Agreements sentences are found to be Unconstitutional where as the offenders who takes an Bench or Jury Trial sentences are found to be Constitutionally sound when both offenders are in the same Class as far as their sentences is impose by the court. This petitioner now comes before this Honorable Court and raise challenge to the Constitutionality of said, Statute

(B) Ground two Anthony Willis

Supporting facts:

The Hon. Evelyn B. Clay, abuse her discretion and denied the petitioner his Substantive Due-Process Rights knowing that the petitioner receive the statutory maximum sentence of (30yrs) for violating Section 570/401. (a)(2)(A) which is not less than (6yrs) and not more than (30yrs) in her ruling she stated, the period of incarceration on a sentence is "Distinct" from the period of parole. There is Two separate features of a sentence. The sentence itself, and than there is the parole period that follows an given "Amount of time" that one is incarcerated. see Court Proceeding May 4, 2006, attached to habeas corpus petition pages 4 thur 12) as Ex-B)

## (A) Ground one

under the "Equal Protection Requirement" there must exist a reasonable basis for distinguishing the class to which the law applies, from the class to which the law is inapplicable. see sentence hearing transcript Feb 18, 1998 attached to habeas corpus petition pages 12 thru 17th) as Ex-A)

## BRIEF ARGUMENT

This petitioner's Constitutional Rights were violated because petitioner is faced with the possibility of serving more time in prison and on Mandatory supervised Release MSR term than what is required of by Illinois law due to the Misinterpretation of the statutes and the day for day law by the Illinois trial court which results in a void judgment in violation of petitioner's 4th 5th 6th and 14th Amendment Rights secured to him under the United states Constitution and in violation of Article 1 section 2,8,10,12,and 24 of the Illinois State Constitution of 1970.

The petitioner's contends that issue (B) of his petition is center around an "Misinterpretation" of the Statutes, by the trial judge even though the trial judge did not impose an term of MSR to the petitioner maximum sentence of (30yrs) the (3yr term of MSR) plus his Statutory Maximum sentence of (30yrs) will become an total of (33yrs) by operation of law.

By opreation of law his (30yr sentence) plus the (3yr term of MSR) together equal (33yrs) exceeding the Statutory Maximum of (30yrs) resulting in the petitioner serving (15yrs) of physical imprisonment and a (3yr flat term) of MSR imprisonment in custody of parole authorities for an total of (18yrs) off of an Statutory Maximum sentence of 30yrs which is require by Illinois day for day law to serve (15yrs period) off of an Statutory Maximum sentence of (30yrs) thus making this petitioner sentence Unconstitutional and is in fact "Void Ad-intio"

Before an Appellate court can correct an error not raised at trial, there must be (1) error (2) this is plain, and (3) that affects substantial rights, if all three conditions are met, an appellate court may than exercise its discretion to notice a "Forfeited Error" but only if (4) the error seriously affects the fairness, integrity, or public reputation of judicial proceedings, as for the fourth prong, an error that causes a "Miscarriage of Justice" seriously affects the fairness, integrity and public reputation of judicial proceedings if the petitioner's has been prejudiced by an "Illegal Sentence" than allowing that illegal sentence to stand, would constitute a "Miscarriage of Justice"

As the issue at hand stands because of the "Misinterpretation and enforcement of both Statutes by Trial Court, both statutes are consider "Implied Repeal" Black Law Dictionary defines Implied to mean." A Law which contains provision so contrary to or irreconcilable with those of earlier law that only one of the two statutes can stand enforce.

Moreover, parole and MSR attaches by operation of law to sentence imposed upon a guilty plea or determinate sentence. Therefore, since it is the MSR that must prevail and stand enforced in addition to working in harmony with day for day law, then it is far more evident that the Legislature's intent is that a lesser period of physical incarceration is mandatory since MSR cannot be designed, nor it operate an additional sentence and multiple punishment which due process prohibits.

In the instant case, if petitioner's serves (15yrs) of physical imprisonment successfully, then this tantamount of serving a maximum sentence. Once petitioner serves a maximum sentence, MSR cannot be attached because it creates an additional time of punishment in custody of parole authorities, which are multiple punishments.

The petitioner's contends that he will serve imprisonment of (18yrs) which is reflective of a (36yr determinate sentence at day for day) which the petitioner only received (30yrs at day for day and required to serve only 15yrs period). The petitioner's has make a "Prima Facie" showing that his sentence of (30yrs plus his flat 3yr term of MSR total 33yrs) is unconstitutional now the "Burden" must shaft to the State.

The petitioner's contend that he did not learn that his sentence was in violation of law until he read the holding in People v. Whitfield, 217 Ill.2d 177, and talk to his I.D.O.C counselor concerning his MSR term in November of 2005, and was advise by the counselor to filed something in court concerning the additional 3yr term of MSR, in which this petitioner did.

Therefore, since the Legislature's intent is that physical imprisonment, including imprisonment in custody of the parole authorities shall not exceed a "Determinate, and Specific Sentence" then it is "Evidence" that "Lesser" period of physical incarceration should served. Basically the time spent in physical imprisonment must "Decrease" only by the amount of the MSR that was attached to that particular conviction sentence,

The petitioner's contend that he urges this Honorable Court to issue an order to the Warden of Logan Correctional Center to "Modify" his current release date from 09/19/2011 to 09/19/2008. In other words (12yrs of physical imprisonment with an flat 3yr term of MSR for an total of 15yrs period).

Once the petitioner's release date is modified to 09/19/2008, he will be "Eligible for his (180 days of MGT/SMT which will further reduce his release date to 03/19/2008. I'm suppose to be at home right now. see calculation sheet attached to habeas corpus petition as Ex-A-1 and B-1 sentence mittimus, also see as attached to habeas corpus petition Illinois Supreme Court order as Ex-C-1 dated 03/26/2008.

(C) Ground three  
Supporting facts:

(D) Ground four  
Supporting facts:

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES (X) NO ( )

3. If you answered "NO" to question (2), state briefly what grounds were not so presented and why not:



**PART IV – REPRESENTATION**

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing \_\_\_\_\_
- (B) At arraignment and plea \_\_\_\_\_
- (C) At trial \_\_\_\_\_
- (D) At sentencing \_\_\_\_\_
- (E) On appeal \_\_\_\_\_
- (F) In any post-conviction proceeding \_\_\_\_\_
- (G) Other (state): \_\_\_\_\_

**PART V – FUTURE SENTENCE**

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES ( ) NO ( X )

Name and location of the court which imposed the sentence: \_\_\_\_\_

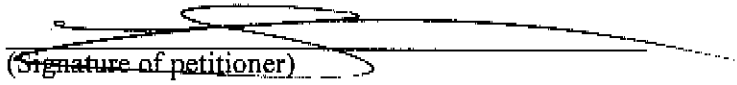
Date and length of sentence to be served in the future \_\_\_\_\_

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: 04/07/2008  
(Date)

\_\_\_\_\_  
Signature of attorney (if any)

**I declare under penalty of perjury that the foregoing is true and correct.**

  
(Signature of petitioner)

N-51386  
(I.D. Number)

P.O. Box 1000 Lincoln Tl.62656  
(Address)

## SINGLE OR CONCURRENT DETERMINATE SENTENCES UNDER 1973 LAW AND JAIL CREDIT

NAME Willis NUMBER N 51986 DATE 1/5/08

## (STEP 1) (A)

Yr. Mo. Day

(Rel. on Bond, Etc.)  
 (Arrest Date)  
 (Jail Credits)  
 + 1 (Add 1 Day)  
 (Jail Credits)

## (STEP 2)

Yr. Mo. Day

(Jail Credits-A)  
 (Jail Credits-B)  
 (Jail Credits-C)  
 + (Jail Credits-D)  
 (Total Jail Credits)

## (STEP 1) (B)

Yr. Mo. Day

(Rel. on Bond, Etc.)  
 (Arrest Date)  
 (Jail Credits)  
 + 1 (Add 1 Day)  
 (Jail Credits)

## (STEP 3)

Yr. Mo. Day

98-12-28 (Old Custody/  
 Sentence Date)  
 1-4-29 (Total Jail Credits)  
 96-9-19 (New Custody Date)

## (STEP 1) (C)

Yr. Mo. Day

(Rel. on Bond, Etc.)  
 (Arrest Date)  
 (Jail Credits)  
 + 1 (Add 1 Day)  
 (Jail Credits)

## (STEP 4) MITTIMUS NO \_\_\_\_\_

PROJECTED OUT DATE

Yr. Mo. Day

96 9-19 (New Custody Date)  
 (Sentence Less)  
 + 15- GCC  
 2011-9-19 (Projected Out Date)  
 (Previous Time  
 Lost/Awarded)  
 \* or - (Adj. Proj. Out Date)

## (STEP 1) (D)

Yr. Mo. Day

(Rel. on Bond, Etc.)  
 (Arrest Date)  
 (Jail Credits)  
 + 1 (Add 1 Day)  
 (Jail Credits)

## (STEP 5)

MANDATORY OUT DATE

Yr. Mo. Day

96 9-19 (New Custody Date)  
 + 30 (Sentence)  
 2026-9-19 (Mandatory Out Date)

Adj. Proj. Out Date 9-19-2011  
 Mandatory Out Date \_\_\_\_\_  
 Calculated By DD

Terminal Operator \_\_\_\_\_  
 Date Entered \_\_\_\_\_

EX-A-1

## IN 7 CIRCUIT COURT OF COOK COUNTY ILLINOIS

(County)

(Municipal)

DEPARTMENT

(Division)

People of the State of Illinois

v.  
Anthony Willis

Defendant

NO.

96R 0849

I. R. #

0537493

S. I. D. #

ORDER OF SENTENCE AND COMMITMENT TO  
ILLINOIS DEPARTMENT OF CORRECTIONSoffense date 2-27-96

The defendant having been adjudged guilty of committing the offense(s) enumerated below,

IT IS ORDERED that the defendant Anthony Willis be  
sentenced to the ILLINOIS DEPARTMENT OF CORRECTIONS AS FOLLOWS:Feb 18, 1998, the Honorable Judge John E. Morrissey  
sentenced the defendant to a term of thirty (30) years  
on the charge of Poss. of Controlled Substance w/Int to D  
Judgment entered on Verdict of Guilty  
Credit for time in custody (Class X sentence)

Offense	Statutory Citation
<u>Poss. of Cont Sub w/Int to Deliver</u>	<u>720 ILCS 570-1-401-</u>
Offense	ILCS <u>/</u>
Offense	ILCS <u>/</u>
Offense	ILCS <u>/</u>

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JULIET CORR. CTR.

IT IS FURTHER ORDERED that the Clerk of the Court shall deliver a copy of this order to the Sheriff of C

IT IS FURTHER ORDERED that the Sheriff of Cook County shall take the defendant into custody and deliver h  
Illinois Department of Corrections.IT IS FURTHER ORDERED that the Illinois Department of Corrections shall take the defendant into custody and  
her in the manner provided by law until the above sentence is fulfilled.

PREPARED BY

Dolly Anthony

DEPUTY CLERK

ENTER:

JUDGE

BRANCH COURT

DATE

2/18/98

EX-B-1

JED

Vox

105809

SUPREME COURT OF ILLINOIS  
CLERK OF THE COURT  
SUPREME COURT BUILDING  
SPRINGFIELD, ILLINOIS 62701  
(217) 782-2035

March 26, 2008

Mr. Anthony Willis  
Reg. No. N-51386  
Logan Correctional Center  
P. O. Box 1000  
Lincoln, IL 62656

No. 105809 - People State of Illinois, respondent, v. Anthony Willis, petitioner. Leave to appeal, Appellate Court, First District.

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on April 30, 2008.

EX - C-1

STATE OF ILLINOIS )  
 )  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE )  
STATE OF ILLINOIS )

vs. )

No. 96 CR 8494

ANTHONY WILLIS )

REPORT OF PROCEEDINGS had of the hearing in the  
above-entitled cause, before the Honorable JOHN E.  
MORRISSEY, Judge of the said Court, on Wednesday,  
the 18th day of February, A.D., 1998.

APPEARANCES:

HONORABLE RICHARD DEVINE,  
State's Attorney of Cook County, by:  
MR. NICK ARVANITIS and  
MR. JOSEPH KEATING,  
Assistant State's Attorneys,  
on behalf of the People;

MR. ANTHONY WILLIS,  
appeared pro se;

MS. RITA FRY,  
Public Defender of Cook County, by:  
MR. JAMES BURKE,  
Assistant Public Defender,  
as adviser to the defendant.

Ann Hieber, CSR  
Official Court Reporters  
2650 S. California Avenue  
Chicago, Illinois 60608

1 THE CLERK: Anthony Willis.

2 THE COURT: It's up for sentencing.

3 MR. ARVANITIS: Yes. We have the witness coming  
4 at 11 o'clock.

5 THE COURT: Anthony Willis, we'll pass until 11  
6 a.m. for sentencing.

7 (Whereupon, the case was passed and  
8 recalled.)

9 THE COURT: Recall Anthony Willis then.

10 THE CLERK: Anthony Willis.

11 THE SHERIFF: He's not in custody, Judge.

12 THE COURT: He's in custody.

13 THE SHERIFF: He's not up here today.

14 THE COURT: I want him here in a half hour.  
15 Someone is going to jail if he's not here in a half  
16 hour. He's in custody.

17 MR. BURKE: He's here. I was in the back  
18 earlier.

19 THE SHERIFF: Unless he goes by another name.

20 THE COURT: Mr. Willis is before the court. This  
21 case was continued from last week. I was on vacation.  
22 Defendant will be sentenced today.

23 Are there post-trial motions?

24 MR. WILLIS: Yes, sir, your Honor.

1 THE COURT: You wish to argue post-trial motion,  
2 Mr. Willis?

3 MR. WILLIS: No, sir.

4 THE COURT: Motion for new trial is denied. I  
5 read the motion. Judgment was taken on the verdict of  
6 guilty.

7 Pre-sentence investigation report is in the court  
8 file. The original one any way.

9 Do the parties have copies of the pre-sentence  
10 investigation report?

11 MR. KEATING: No, Judge. No. They weren't  
12 distributed on the last court date.

13 THE COURT: The only copy that is in the file is  
14 the original.

15 MR. ARVANITIS: Judge, if you'd like, we'll pass  
16 it and Xerox the original and --

17 MR. KEATING: I'll be happy to make photocopies.

18 THE COURT: We'll be glad to. The copies must  
19 have been passed out by Judge Gordon. We'll pass this  
20 matter for sentencing hearing.

21 (Whereupon, the case was passed and  
22 recalled.)

23 THE CLERK: Anthony Willis.

24 THE COURT: Has the pre-sentence report been

1 tendered?

2 MR. KEATING: Yes. And I did tender a copy to  
3 Mr. Burke to tender to Mr. Willis.

4 MR. BURKE: I gave it to Mr. Willis I'd say about  
5 an hour and a half ago. He said he couldn't read part  
6 of the FBI sheet, Judge, and he'll probably tell you  
7 that.

8 THE COURT: Defendant comes before the court.  
9 Pre-sentence investigation report has been filed. I've  
10 already taken judgment on the verdict of guilty.

11 Mr. Willis, you may sit down and proceed to a  
12 sentencing hearing at this time.

13 Prosecution ready to proceed in aggravation?

14 MR. KEATING: Yes, Judge, we are.

15 THE COURT: You may proceed.

16 MR. KEATING: Thank you.

17 Judge, you heard the jury trial in this matter,  
18 your Honor. You're aware of the --

19 MR. ARVANITIS: Judge, we have live testimony  
20 before we argue the case.

21 MR. KEATING: Judge, State would be calling  
22 Officer O'Grady.

23 THE COURT: Swear the witness please, Dolly.

24 (Witness sworn.)



1 THE COURT: You may proceed.

2 JAMES O'GRADY,  
3 called as a witness on behalf of the People of the State  
4 of Illinois, having been first duly sworn, was examined  
5 and testified as follows:

6 DIRECT EXAMINATION

7 BY: MR. KEATING

8 Q Officer, please state your name.

9 A Officer James O'Grady, O-G-r-a-d-y, star  
10 number 12934, assigned to narcotics.

11 Q Officer, drawing your attention now to the  
12 date of June 7, 1996, at approximately 1:40 p.m., were  
13 you employed and on duty?

14 A Yes, I was.

15 Q And at that time and date, officer, were  
16 you at the location of 6916 South Parnell in the city of  
17 Chicago?

18 A Yes.

19 Q Will you tell the court what brought you to  
20 that location at that time and date?

21 A I was assigned to the narcotics --

22 MR. WILLIS: Objection, your Honor.

23 THE COURT: Overruled.

24 MR. KEATING: You can answer the question.

1 THE WITNESS: I was assigned to the narcotics  
2 section.

3 MR. KEATING: Q Keep your voice up please?

4 A I was assigned to the narcotics section and  
5 we went to that location to execute a search warrant.

6 Q Now, what role did you play in the  
7 execution of that search warrant, officer?

8 A I was part of an entry and search team  
9 of -- compiled of a sergeant and eight officers.

10 Q Okay. And did you make entry to that  
11 location?

12 A Yes.

13 Q What -- could you describe what is located  
14 at that address?

15 A It's a single family home with a second  
16 floor.

17 Q Okay. And when you entered that residence,  
18 officer, where did you go to?

19 A I followed the affiant, Officer Scott  
20 Freeman, to the second floor of the residence.

21 Q And when you arrived at the second floor,  
22 what did you observe?

23 A I observed a male black running from one of  
24 the middle bedrooms away from me.

1 Q Do you see that person in court here today?

2 A Yes.

3 Q Will you point --

4 MR. WILLIS: Objection, your Honor.

5 THE COURT: Overruled.

6 Why are you objecting? You have to have legal  
7 reasons.

8 MR. WILLIS: Your Honor, this case by here have  
9 nothing to do with the case I been convicted of.

10 THE COURT: I can't hear you, sir.

11 MR. WILLIS: This case have nothing to do with  
12 the case I've been convicted of.

13 THE COURT: Yes, it does because it's an  
14 aggravation-mitigation hearing. It's proper for the  
15 prosecution to present evidence of your criminality  
16 including -- prior criminality including pending cases.  
17 Objection is overruled.

18 MR. KEATING: Q Officer, would you please point  
19 to that person and describe what they're wearing today?

20 A He's the gentleman seated to my left  
21 wearing Cook County fatigues.

22 Q And, officer, again where did you first  
23 observe this defendant?

24 A I observed him exiting a bedroom on the

1 second floor of that residence.

2 Q And what happened next, officer?

3 A Officer Scott Freeman detained the subject  
4 for further investigation.

5 Q And after -- did you happen to enter the  
6 bedroom you saw this defendant exit from?

7 A Yes, I did.

8 Q And when you entered that bedroom, did you  
9 make any observations?

10 A Yes, I did.

11 Q What did you observe?

12 A I observed a sawed-off shotgun laying on  
13 the floor.

14 Q Was that shotgun in plain view?

15 A The shotgun, yes.

16 Q Did you observe anything else?

17 A I observed Officer Freeman recover a  
18 quantity of suspect cannabis.

19 Q Okay. Now, officer --

20 THE COURT: Where did he get the cannabis?

21 THE WITNESS: I believe it was on top of the  
22 dresser.

23 MR. KEATING: Q And, officer, were you present  
24 when a custodial search was done of this defendant?

1 A Yes, I was.

2 Q Was it done in the residence?

3 A Yes.

4 Q And did you observe anything being  
5 recovered from this defendant?

6 A Yes, I did.

7 Q And what did you observe recovered from  
8 this defendant, officer?

9 A I observed Officer Freeman recover a  
10 plastic bag containing suspect crack cocaine.

11 Q Now, did you participate in the inventory  
12 process of that suspect crack cocaine?

13 A Yes, I did.

14 Q And was that, in fact, inventoried?

15 A Yes, it was.

16 Q Was it submitted to the Crime Lab for  
17 analysis?

18 A Yes.

19 Q And are you aware of the results of the  
20 analysis?

21 A Yes.

22 Q Did, in fact, it test positive for the  
23 presence of cocaine?

24 A Yes, it did.

1 Q And was that in the amount of 13.4 grams?

2 A Correct.

3 MR. KEATING: Judge, if I might have one moment.  
4 Judge, I have no further questions.

5 THE COURT: Mr. Willis, since you are still  
6 representing yourself for purposes of sentencing -- by  
7 the way, are you asking for the services of an attorney  
8 at this time or do you still wish to represent yourself?

9 MR. WILLIS: I represent myself, your Honor.

10 THE COURT: You may make inquiry.

11 CROSS-EXAMINATION

12 BY: MR. WILLIS

13 Q Officer, was there a search warrant  
14 pertaining to that arrest?

15 A We were there pursuant to a search warrant,  
16 yes.

17 Q Do you know if that search warrant was  
18 signed by a judge?

19 MR. KEATING: Objection.

20 THE COURT: Sustained.

21 MR. WILLIS: No further questions.

22 MR. KEATING: No redirect, your Honor.

23 THE COURT: Thank you, officer. You're excused.

24 THE WITNESS: Thank you.

1 (Witness excused.)

2 THE COURT: Further aggravation?

3 MR. KEATING: Yes, Judge. Again, Judge, you sat  
4 over the trial in this matter, the jury trial in the  
5 case that is before you today for sentencing, your  
6 Honor. You heard the facts of that case, Judge. You  
7 also have in front of you the pre-sentence investigation  
8 tendered by the Adult Probation Department. I'm going  
9 to ask that the court take that investigation, consider  
10 it in its entirety, your Honor.

11 Judge, you're aware of this defendant's criminal  
12 background by virtue of the pre-sentence investigation,  
13 your Honor. This defendant, your Honor, was convicted  
14 of voluntary manslaughter back in 1985 and was sentenced  
15 to 15 years in the Department of Corrections. He also  
16 has a felony conviction, your Honor, for possession of a  
17 controlled substance which he was sentenced to 3 years  
18 in the Department of Corrections.

19 Judge, the defendant also has a conviction for  
20 unlawful restraint back from 1983 which he received a  
21 year in the Department of Corrections.

22 Judge, there is nothing, your Honor, before you,  
23 whether it be the PSI or otherwise that shows that this  
24 defendant has in any way been productive to society. In

1 fact, Judge, just the opposite is true. This defendant  
2 is nothing more than a leach on society, your Honor.

3 Judge, it's interesting to note that he states in  
4 the pre-sentence investigation that he has three  
5 children who he supports while he's employed. However,  
6 your Honor, a careful reading of the PSI shows that this  
7 defendant had a job for six months in 1993 and there is  
8 no where else indicated that he's ever worked, Judge.  
9 In fact, he states that basically he was supported by  
10 his mother, your Honor.

11 Judge, it's also of interest to note the  
12 defendant's version of events. I'd ask the court to  
13 take that into consideration on page 4, Judge.

14 Again, your Honor, this defendant has done  
15 nothing productive for society. He's fed off society.  
16 He clearly is out there spreading poison on the streets  
17 of our community, your Honor. Judge, this man is not  
18 redeemable. He does not have a single redeemable  
19 quality about him, your Honor.

20 MR. WILLIS: Objection, your Honor.

21 THE COURT: Overruled.

22 MR. KEATING: Judge, for the safety and the  
23 welfare of the community, your Honor, I'm asking that  
24 you sentence this defendant to the maximum possible



1 period of incarceration. We're asking for 30 years in  
2 the Illinois Department of Corrections on this matter,  
3 Judge.

4 This case is a Class X case by the amount of  
5 contraband he was found guilty to be possessing, Judge.  
6 We believe it's an appropriate sentence and that would  
7 be our request.

8 THE COURT: Thank you, Mr. Keating.

9 Mr. Willis, you may --

10 MR. KEATING: Judge, I would just ask that I make  
11 the certified copies of conviction part of the record.  
12 I apologize.

13 THE COURT: That is fine, Mr. Keating.

14 You may at this time proceed in what is called  
15 mitigation.

16 MR. WILLIS: Your Honor, the defendant's throwing  
17 himself on the mercy of the court. Your Honor, the  
18 defendant comes from a poor social environment. And I  
19 wish to continue school.

20 And according to the Constitution, your Honor,  
21 the Illinois Constitution, Article One, Section 2, will  
22 stipulate that require that all penalties must be  
23 determined both by according to the seriousness of the  
24 offense and with objection (sic) of restoring the

1 defendant to a useful citizen.

2 I have no further questions, your Honor.

3 THE COURT: Thank you.

4 You have a right to make a statement to me in  
5 addition to what you just said before I sentence you.  
6 Have you anything further to say, sir?

7 MR. WILLIS: No, sir.

8 THE COURT: Mr. Willis, you were born on June 26,  
9 1959, according to the pre-sentence investigation report  
10 that I have before me. You are not yet 30. And all you  
11 have done your entire life -- strike that. You are not  
12 yet 40 years of age. All you have done in your entire  
13 life is live a life of crime.

14 The facts of this case are remarkable in that  
15 they demonstrate what little regard you have for others  
16 in society. Including not only police officers but the  
17 criminal justice system as well as ordinary citizens on  
18 the street.

19 There is evidence that you possessed with intent  
20 to deliver in June of '96 while this case was pending  
21 cocaine, crack cocaine in the amount of 13 -- over 13  
22 grams. Officers executing the search warrant found you  
23 come out of a bedroom. They found a sawed-off shotgun  
24 in that bedroom and found you to be in possession of

1 half an ounce of cocaine.

2 You were convicted of possessing with intent to  
3 deliver an ounce of cocaine in this case. You've been  
4 convicted of voluntary manslaughter. You've been  
5 convicted of possession of controlled substance and  
6 unlawful restraint. You are a career incorrigible  
7 person, Mr. Willis, and you are absolutely remorseless.

8 The nerve of you to stand up before this court  
9 and just perpetuate your lies in the hopes that some  
10 jury would acquit you. You've got to be put away for  
11 the safety of society. Safety of the police who are out  
12 there trying to do their job, day in and day out, so at  
13 least they won't be exposed to the likes of you for some  
14 time.

15 There is nothing here in mitigation. There is  
16 nothing but aggravation in your life. The sentence of  
17 this court is a maximum term of imprisonment of 30 years  
18 in the Illinois Department of Corrections. Maximum  
19 Class X time.

20 You have a right to appeal. In order to do that  
21 you must first file within thirty days a written notice  
22 of appeal. If you're without funds and you want to  
23 appeal, an appellate attorney can be appointed to  
24 represent you and a free transcript of the trial and

1 sentencing hearing will be made available to you.

2 The clerk of the court will also help you  
3 assemble any common law record necessary for the appeal  
4 of your case. Any notice must be filed within thirty  
5 days.

6 Mr. Keating, 96 17982 still pends before me as a  
7 live indictment.

8 MR. KEATING: Yes, Judge. At this time the State  
9 would have a motion in this matter, your Honor. We  
10 would be moving to nolle pros that matter.

11 THE COURT: Motion State, nolle pros, on the  
12 other indictment, the facts of which I just heard in  
13 aggravation has been dismissed, Mr. Willis.

14 30 years Illinois Department of Corrections.  
15 Mittimus issues.

16 Take the defendant out of my sight please.

17 MR. BURKE: Your Honor, if I may, I was the legal  
18 adviser. Mr. Willis, I had informed him if he wanted to  
19 challenge the sentence he should file a motion to  
20 reconsider. While you have informed him of his  
21 appellate rights today, I talked to him about this last  
22 week and earlier today. And Mr. Willis indicated to me  
23 he may be doing a pro se appeal. I had appellate things  
24 prepared for the Public Defender. He doesn't want that.

1 Just so the record is clear.

2 THE COURT: That is fine. Mittimus issues.

3 Good bye, Mr. Willis.

4 MR. WILLIS: See you, your Honor.

5 (Which were all the matters had in  
6 this proceeding.)

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1 STATE OF ILLINOIS )

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3 COUNTY OF COOK )

4  
5  
6 I, ANN HIEBER, Official Court Reporter of  
7 the Circuit Court of Cook County, County  
8 Department-Criminal Division, do hereby certify that I  
9 reported in shorthand the proceedings had in the  
10 above-entitled cause, that I thereafter caused to be  
11 transcribed into typewriting the above Report of  
12 Proceedings, which I hereby certify is a true and  
13 correct transcript of the proceedings had before the  
14 Honorable JOHN E. MORRISSEY, Judge of the said Court.

15  
16  
17  
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19 \_\_\_\_\_  
20 Official Court Reporter of the  
21 Circuit Court of Cook County

22 CSR # 084-001393  
23  
24

1 STATE OF ILLINOIS       )  
                                  ) SS:  
2 COUNTY OF COOK         )

3                   IN THE CIRCUIT COURT OF COOK COUNTY  
                  COUNTY DEPARTMENT-CRIMINAL DIVISION

4 THE PEOPLE OF THE               )  
5 STATE OF ILLINOIS,            )  
                                  )  
6                   Plaintiff,    )

7                   VS                ) No. 96 CR 8494 02  
                                  )

8 ANTHONY WILLIS,                )  
                                  )  
9                   Defendant.     )

10

11

12                   BE IT REMEMBERED that the  
13 above-entitled cause came on for hearing before  
14 the Honorable EVELYN B. CLAY, on the 4th day of  
15 May A.D., 2006 at 26th and California.

16

17                   APPEARANCES:

18                   HON. RICHARD A. DEVINE  
                          State's Attorney of Cook County, by  
19 MS. CELESTE STACK  
                          Assistant State's Attorney,  
20                   appeared for the People;

21                   MR. ANTHONY WILLIS  
                          appeared pro se.

22

23 Valerie M. Pisani, CSR#084-001474  
                  Official Court Reporter  
24 5600 Old Orchard Road - Room 204  
                  Skokie, Illinois 60077

1 THE CLERK: Anthony Willis, sheet one.

2 UNIDENTIFIED STATE'S ATTORNEY: We are asking  
3 to pass it until he gets here from IDOC. Celeste  
4 is handling this. She should be here 11  
5 o'clock. She is trying to get at the end of your  
6 call because it is pro se.

7 THE COURT: That is fine.

8 (The above-entitled case was passed and  
9 recalled.)

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1 THE CLERK: Anthony Willis, sheet one.

2 MS. STACK: Celeste Stack for the record.

3 THE COURT: Mr. Willis is pro se.

4 MS. STACK: Right. This is 1401 petition  
5 that the defendant filed. I filed the motion to  
6 dismiss in court on the last date.

7 This defendant was convicted of  
8 delivery of a controlled substance and received  
9 30 years in February of 1998.

10 Therefore, first of all, the petition  
11 is untimely. There is a two year statute of  
12 limitations.

13 However, under 1401, one of the claims  
14 we want to make is that his sentence is void.

15 The defendant here is claiming that  
16 because he got the maximum sentence of 30 years,  
17 that his sentence is improper. Because when you  
18 add on the mandatory supervised release, his  
19 sentence would be under-- his argument actually,  
20 33 years, which would be in violation of the  
21 maximum term under the sentencing code.

22 However, this argument, Judge, has been  
23 made a number of times before, has been rejected  
24 by the Illinois Supreme Court, Illinois Appellate

1 Court and Federal Court.

2 Specifically, Illinois Supreme Court in  
3 Bahome, (phonetic) versus Klinicar, 123, Ill. 2d,  
4 291, the Supreme Court talked about MSR. As I  
5 have quoted in my motion, said that nothing in  
6 the language of the sentencing statute allows the  
7 Court to cause the sentence to be reduced to  
8 allow for early discharge for parole.

9 But most importantly, a term of  
10 imprisonment is a separate matter from mandatory  
11 supervised release which is a matter that the  
12 Courts have no control over, a matter that is  
13 governed under separate statutes concerning  
14 Department of Corrections.

15 The Federal Courts have specifically  
16 stated that there is nothing unconstitutional  
17 about imposing a mandatory parole term at the end  
18 of the maximum term of imprisonment. That is  
19 quoted on the second page from U.S. Ex rel Criss  
20 versus Gramley.

21 Also a recent Appellate Court Case  
22 noted that mandatory supervised release is not  
23 part of the sentence.

24 Therefore, this argument in various

1 forms and has been made before and it's been  
2 repeatedly rejected by all the relevant Courts of  
3 review.

4 Also, if you take it to its logical  
5 conclusion, every sentence would be reduced by  
6 the MSR term. He would never have-- no one would  
7 ever be able to get the mandatory sentence--  
8 excuse me, the maximum sentence. And every  
9 convicted felon could come in and say his  
10 sentence should be reduced by the MSR term.

11 MSR is not part of the sentence, not  
12 part of his imprisonment. The argument should  
13 be-- the petition should be dismissed.

14 MR. WILLIS: Your Honor, the case that the  
15 State is using, Bahome, deal with indeterminate  
16 sentence. Indeterminate sentence no longer apply  
17 in situations as they would indeterminate  
18 sentences.

19 Bahome was convicted of a murder,  
20 received indeterminate sentence between 35 and 70  
21 years. Bahome was discharged after ten years of  
22 his incarceration. Only three year mandatory  
23 supervised release. He violated his supervisory  
24 release.

1           The appropriate remedy when they  
2 re-incarcerated him was to do the maximum term of  
3 the sentence, because he was up on the statute  
4 that was dealing with indeterminate sentence.

5           I understand by him having to do the  
6 maximum term of the sentence, his parole would  
7 follow. We upon determinative sentence, not in  
8 the course to determine that we are to do 50  
9 percent of our time, 85 percent of our time or  
10 100 percent of our time.

11           Due to the fact I have 50 percent of my  
12 time to do, the recent holding just came out in  
13 Illinois Supreme Court, '05, People versus  
14 Witfield. Witfield was convicted. He pleaded  
15 guilty. His guilty plea was for 25 years. He  
16 was admonished as to the minimum and maximum  
17 sentence he was suppose to receive. When he  
18 received this 25 years, he had additional three  
19 years MSR attached onto it.

20           The Courts went on to say, MSR was  
21 illegal because he wasn't announced of the MSR.  
22 But the Court gave the guideline on MSR, had to  
23 be interpret on sentence.

24           In People versus Fish, the Court used

1 People versus Fish as an example. Fish was  
2 convicted of two counts of voluntary manslaughter  
3 with a vehicle. They announced him to the  
4 minimum three years and the maximum of 14 years.

5 The Illinois Supreme Court says by the  
6 Court giving him the maximum 14 years, they  
7 couldn't give him the two year mandatory  
8 supervised release because it exceeded his 14  
9 mandatory-- statutory mandatory time he could  
10 receive for the crime.

11 The Courts also, I am going to quote  
12 it, People versus Witfield, 840, NE 2D, 658, Ill.  
13 205, October 6.

14 In that case-- in his case, the Court  
15 said that the defendant in their open play and  
16 the trial Court has announced defendant regarding  
17 the maximum sentence to which he should be  
18 exposed to by his plea. The failure to announce  
19 the defendant concerning MSR is not a  
20 constitutional violation. It is known as a  
21 sentence. Plus the MSR is less than a max  
22 sentence the defendant was told he would  
23 receive. His max sentence, according to the  
24 crime he committed, was 3 to 14.

1           The Court is clearly saying it is-- it  
2   is not a violation unless the sentence plus the  
3   MSR is less than the maximum he is suppose to  
4   receive.

5           I was sentenced to 30 years. My MSR is  
6   3 years. It is over the max I am suppose to  
7   receive. By me doing 50 percent of my time, they  
8   make me have to do 33 years according to the  
9   law.

10          The Courts also gave another  
11   illustration, when People versus  
12   Cortes, (phonetic). The Court says, no  
13   constitutional error occurred because the  
14   sentence of 3 years plus the supervised release  
15   was less than the maximum five years.

16          The Courts given an illustration  
17   sentence guideline on MSR, how MSR suppose to be  
18   opposed to a sentence before they get sentenced  
19   as the Court said, and the MSR is plus, is added  
20   on to your sentence.

21          As long as it don't over go over the  
22   max term of your sentence, there is no  
23   constitutional violation. When the Illinois  
24   Supreme Court and People versus Witt uses Fish as

1 an example, case of Fish, People versus Fish,  
2 Third District 2000, Illinois Supreme Court use  
3 this case as an example.

4 Fish says that the maximum sentence  
5 includes elements such as a period of mandatory  
6 supervised release, use People versus  
7 Tutor, (phonetic) as an example.

8 The Court is trying to show once the  
9 sentence is imposed, not all the sentences, just  
10 sentences dealing with a max term that the  
11 supervisory mandatory release is included within  
12 the max term is not forwarded to receive the max  
13 term or the crime that you committed.

14 I committed a crime, can receive the  
15 30. The Judge gave me the max. He gave me 30  
16 years. By me doing determinative sentence, my  
17 time was cut down to 15 years. 15 years plus 3  
18 of the 18 years, that is over 50 percent of my  
19 time I have to do. According to the Illinois  
20 Supreme Court, they said maximum sentence  
21 includes a period such as mandatory supervised  
22 release.

23 In other words, once you sentence a  
24 person to the max, his supervisory mandatory

1 release is part of that sentence.

2 MS. STACK: Mr. Willis didn't cite Witfield,  
3 but I am well aware of the case. Witfield  
4 involves plea admonishments and a situation as  
5 you are well aware, of a defendant not being  
6 admonished about MSR. And that obviously is not  
7 applicable here.

8 I'd just like to point out looking  
9 through the record here, that Mr. Willis, this is  
10 his fifth pleading that he's filed since his  
11 direct appeal. That this petition is frivolous.  
12 We'd ask that it be dismissed.

13 THE COURT: Your motion for reduced sentence,  
14 sir, you misapprehend the cases that you cite.

15 MR. WILLIS: Well--

16 THE COURT: You are done. You are done.

17 I know what your motion states. You  
18 are claiming that the parole period extends your  
19 sentence, impermissibly illegally extends your  
20 sentence.

21 That is not the case, Mr. Willis. The  
22 Court, Appellate Court, reviewing Courts have  
23 draft this issue many, many times. The period of  
24 incarceration on a sentence is distinct from the



1 period of parole.

2 You attempting to lawful in with the  
3 sentence. That is not the intent of the Court  
4 when you were sentenced. Your parole period be a  
5 part of the sentence that was being handed out.

6 There is two separate features of a  
7 sentence. The sentence itself, and then there is  
8 the parole period that follows any given amount  
9 of time that one is incarcerated.

10 As I stated and as the State's Attorney  
11 sets forth in her motion to dismiss, this issue  
12 has been-- that you bring up, that you are  
13 standing on, has been dealt with many, many times  
14 before. The results are, as the State's Attorney  
15 has stated, it has no merit. These types of  
16 motions are not based on the law, on case law and  
17 not only on the sentencing statute.

18 And for all of these reasons, sir, your  
19 motion is denied.

20 MR. WILLIS: I have another matter here. I  
21 have filed a motion writ of mandamus. I don't  
22 know if the Court received it. I'd like to  
23 present the motion while I am here.

24 THE COURT: Corrected mit?

1 MR. WILLIS: Right. Plus you have me down  
2 for reduce of sentence.

3 MS. STACK: Because he has filed so many  
4 things, that obviously--

5 THE COURT: Let me be clear. The last ruling  
6 was on 1401 petition, post judgment petition,  
7 that is what was denied.

8 Court is in receipt of the motion for  
9 mandamus.

10 State's Attorney, are you ready?

11 MS. STACK: No. I have not received a copy of  
12 that. I see, looking at the half sheet, there  
13 was one filed on February 22, petition for  
14 mandamus. I haven't prepared a response.

15 Thank you, Mr. Willis. Mr. Willis just  
16 handed me a copy. Is this a copy I can keep?

17 MR. WILLIS: Yes.

18 THE COURT: It was filed some time ago.

19 State, are you prepared today?

20 Mr. Willis, are you prepared today?

21 MR. WILLIS: No, ma'am. I'd like to amend  
22 it.

23 THE COURT: You would like to file amended  
24 motion for mandamus?

1 MR. WILLIS: Yes.

2 THE COURT: Very well, we will get a date on  
3 that.

4 MR. WILLIS: There is a matter, I had filed  
5 for rehearing, reclassify that motion reduce the  
6 sentence. That motion is--.

7 MS. STACK:-- October 14, '05.

8 THE COURT: Motion to reduce sentence was  
9 denied by this Court. .

10 MR. WILLIS: It wasn't denied. I filed a  
11 motion for rehandling, you reclassified as a  
12 motion for reduce the sentence in October.

13 MS. STACK: The half sheet shows motion to  
14 reduce sentence. That is all it says, October  
15 14, '05.

16 The next entry is November 30 of '05,  
17 saying special order, motion for supervisory  
18 orders, hearing date aside. It is continued to  
19 December 6 with just a notation that the  
20 defendant was in IDOC custody on December 6.

21 Also says, special order, motion for  
22 supervisory order stricken, wrong forum. Then  
23 like a week later, December 14, 1401 is filed.

24 So it looks as if the motion to reduce

1 sentence might have been also a motion for  
2 supervisory order. I don't know if there is two  
3 separate--.

4 MR. WILLIS: Two separate motions. Motion to  
5 reduce sentence have not been heard yet. Still  
6 pending.

7 There was a motion for  
8 reconsideration. You reclassified the motion to  
9 reduce sentence. It is still lingering in the  
10 courts.

11 THE COURT: That was denied October 14. I  
12 will get the transcript. That is what the half  
13 sheet says, motion to reconsider the sentence.

14 MR. WILLIS: No. It was dealing with my-- my  
15 county time.

16 THE COURT: Corrected mit. What you were  
17 seeking, corrected mit?

18 MR. WILLIS: Right.

19 THE COURT: You attached the original mit to  
20 the motion and the motion to reconsider was  
21 denied October 14, sir.

22 MR. WILLIS: Right.

23 THE COURT: It has been handled. I will get  
24 the transcript.

1                   What we have left here now, you are  
2 going to amend your motion for mandamus, is that  
3 correct?

4           MR. WILLIS: Right.

5           THE COURT: Next date on that June, mid June,  
6 Mr. Willis, June 14.

7           MR. WILLIS: I have to be remanded back to  
8 the institution, prepare the motion to amend. .

9           MS. STACK: If he can just file it via mail,  
10 then I can respond via mail. I will writ him  
11 back after.

12          THE COURT: All right. That may be too soon  
13 to amend for argument, next time you are brought  
14 in on your motion for mandamus.

15          MS. STACK: July 11.

16          THE COURT: July 11, that is the next date,  
17 sir.

18          MR. WILLIS: Your Honor, could you send me a  
19 copy of the transcript of the motion, the order,  
20 denying the reducing sentence?

21          THE COURT: I will have that hopefully to  
22 tender on July 11, next date for argument for  
23 motion for mandate.

24               Send in your amendment on your motion

1 no later than June 11, at least 30 days in  
2 advance of the argument.

3 Do you understand?

4 MR. WILLIS: Yes. I to be writ back to  
5 IDOC?

6 THE COURT: Yes.

7  
8 (Whereupon, further proceedings in  
9 the above-entitled matter were  
10 continued to the 11th day of  
11 July A.D., 2006.)  
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1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF COOK )

4 I, VALERIE M. PISANI, Official Court  
5 Reporter of the Circuit Court of Cook County, do  
6 hereby certify that I reported in shorthand the  
7 proceedings had on the hearing in the  
8 above-entitled cause, that I thereafter  
9 transcribed into typewriting the above Report of  
10 Proceedings, which I hereby certify is a true and  
11 correct transcript of the proceedings had before  
12 the Honorable EVELYN B. CLAY, Judge of said  
13 court.

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11-21-06.

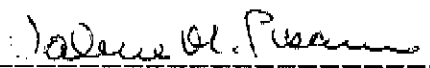
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CSR #084-001474  
Official Court Reporter  
of the  
Circuit Court of Cook  
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Municipal Division.